

SENATE BILL No. 179

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-30-5-15.

Synopsis: Community restitution or service for OWI offenses. Changes the designation of time of community restitution or service for a person convicted of operating a vehicle while intoxicated (OWI) from days to hours.

Effective: July 1, 2004.

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January 6, 2004, read first time and referred to Committee on Criminal, Civil and Public Policy.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 179

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-30-5-15, AS AMENDED BY P.L.32-2000,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 15. (a) In addition to any criminal penalty
4 imposed for an offense under this chapter, the court shall:

5 (1) order:

6 (A) that the person be imprisoned for at least five (5) days; or

7 (B) the person to perform at least ~~thirty (30) days~~ **one**
8 **hundred eighty (180) hours** of community restitution or
9 service; and

10 (2) order the person to receive an assessment of the person's
11 degree of alcohol and drug abuse and, if appropriate, to
12 successfully complete an alcohol or drug abuse treatment
13 program, including an alcohol deterrent program if the person
14 suffers from alcohol abuse;
15 if the person has one (1) previous conviction of operating while
16 intoxicated.

17 (b) In addition to any criminal penalty imposed for an offense under

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1 this chapter, the court shall:

2 (1) order:

3 (A) that the person be imprisoned for at least ten (10) days; or

4 (B) the person to perform at least ~~sixty (60) days~~ **three**
 5 **hundred sixty (360) hours** of community restitution or
 6 service; and

7 (2) order the person to receive an assessment of the person's
 8 degree of alcohol and drug abuse and, if appropriate, to
 9 successfully complete an alcohol or drug abuse treatment
 10 program, including an alcohol deterrent program if the person
 11 suffers from alcohol abuse;

12 if the person has at least two (2) previous convictions of operating
 13 while intoxicated.

14 (c) Notwithstanding IC 35-50-2-2 and IC 35-50-3-1, a sentence
 15 imposed under this section may not be suspended. The court may
 16 require that the person serve the term of imprisonment in an
 17 appropriate facility at whatever time or intervals (consecutive or
 18 intermittent) determined appropriate by the court. However:

19 (1) at least forty-eight (48) hours of the sentence must be served
 20 consecutively; and

21 (2) the entire sentence must be served within six (6) months after
 22 the date of sentencing.

23 (d) Notwithstanding IC 35-50-6, a person does not earn credit time
 24 while serving a sentence imposed under this section.

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